

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 42 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SACHIN UDYOG VIKAS SAHKARI SANGH LTD

Versus

SURAT URBAN DEVEVELOPMENT AUTHORITY

Appearance:

MR SH SANJANWALA for Petitioners

MR JR NANAVATI for Respondent No. 1

M/S PURNANAND & CO for Respondent No. 2

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 16/12/98

ORAL JUDGEMENT

1. The petitioner as well as the learned Advocate representing the petitioner Mr. Sanjanwala are present. Learned Advocate for the respondent no.1 Mr. G.R. Nanvaty is not present. Mr. S.T.Mehta, on behalf of learned A.G.P. Mr.K.T.Dave, representing the respondents nos.2 and 3 is present.

2. The petitioner has produced on record further affidavit sworn by one Balvantbhai Contractor, President of Sachin Industrial Cooperative Sangh Ltd. which is taken on record vide pages 89 to 90 alongwith Annexures produced vide pages 91 to 101.

3. The petitioner has prayed for appropriate writ or direction to the respondents to designate disputed portion of land as "industrial zone" in the development plan prepared by the respondent no.1 and to be approved by the respondent no.3.

4. It may be noted that vide earlier order dated 7-1-1986, the petition was ordered to be heard alongwith Spl.C.A's nos.1145/1981 and 2379/1983. It appears from the record that Spl.C.As nos.1145/1981, 2379/1983 and 2433/1986 are disposed of vide order dated 20th August, 1987 on recording a statement of learned Advocate General to the effect that Government has accepted the Court's suggestion to consider the question of the designation of lands in question from agricultural to industrial use and to take a final decision on the proposed change objectively with an open mind in accordance with the Act.

5. That pending the petition though development plan was changed disputed portion of land was not designated as "industrial zone" by the respondent no.1 and thereby representation was made by the petitioner to respondent no.1. Ultimately, the said representation has been accepted and the respondent no.1 has changed the development plan by putting land in question in the industrial zone. However, the said development plan is sent to the respondent no.3-the State of Gujarat for its approval as required under the Act. In view of the statement made on behalf of the respondent no.3-State in the earlier proceedings of Spl. C.As nos.1145/1981, 2379/1983 and 2344/1986, the learned A.G.P. representing the respondent no.3 has stated that Government shall consider the request made by the petitioner to consider the amended plan as submitted by the respondent no.1 and shall grant approval in accordance with the provisions of law, as proposed by the respondent no.1 changing the land in question from agricultural zone to industrial zone within a reasonable period but not more than three months from the date of receipt of the writ. Hence, Rule is made absolute accordingly. Petition stands disposed of with no order as to costs.

sf-akt.